

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RICHARD JOHNSTON,

Plaintiff,

v.

DR. MARTIN NAUGHTON,

Defendant.

Case No. 3:22-cv-00080-MMD-CSD

ORDER

Pro se Plaintiff Richard Johnston brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Craig S. Denney (ECF No. 26), recommending the Court deny Johnston’s motion for a preliminary injunction (ECF No. 5 (“Motion”)). Plaintiff had until July 22, 2022, to file an objection. To date, no objection to the R&R has been filed.¹ For this reason, and as explained below, the Court adopts the R&R, and will deny the Motion.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the

¹ Johnston requested a 90-day day extension of time to file an objection to the R&R. (ECF No. 29.) The Court granted that request in part, and denied it in part, giving Johnston until July 22, 2022, to file an objection. (ECF No. 30.) Johnston then filed another motion for an extension of time to file an objection. (ECF No. 32.) The Court denied that motion and warned Johnston that it would adopt the R&R and deny the Motion if he did not file an objection to the R&R by July 22, 2022. (ECF No. 33.) But Johnston did not timely file an objection to the R&R.

1 findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory
2 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no
3 clear error on the face of the record in order to accept the recommendation.”).

4 Because there is no objection, the Court need not conduct de novo review, and is
5 satisfied Judge Denney did not clearly err. Here, Judge Denney recommends denying the
6 motion because he cannot determine from the evidence Johnston submitted whether he
7 is likely to prevail on the merits, and it does not appear Johnston would be irreparably
8 harmed if an injunction did not issue. (ECF No. 26 at 7-9.) The Court agrees with Judge
9 Denney. Having reviewed the R&R and the record in this case, the Court will adopt the
10 R&R in full.

11 It is therefore ordered that Judge Denney’s Report and Recommendation (ECF
12 No. 26) is accepted and adopted in full.

13 It is further ordered that Johnston’s motion for a preliminary injunction (ECF No. 5)
14 is denied.

15 DATED THIS 25th Day of July 2022.

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19 MIRANDA M. DU
20 CHIEF UNITED STATES DISTRICT JUDGE
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